

Message

From: Kevin Murray [KRMurray@hollandhart.com]
Sent: 11/19/2014 4:42:36 PM
To: Piggott, Amelia [Piggott.Amelia@epa.gov]
Subject: Re: Plumb Access Agreement

Ameila I will give you a complete update later today. Plumb is not the only one. We are still talking with Stoley (very close), PCMC, and Gillmor as well.

Regards,

Kevin

Sent from my iPad

On Nov 19, 2014, at 7:36 AM, Piggott, Amelia <Piggott.Amelia@epa.gov> wrote:

Hi Kevin,

Thanks for the update. Is Plumb the only outstanding access issue? If not, how is the rest going?

Thanks,

ap

Amelia Piggott
Attorney
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202
303.312.6410

From: Kevin Murray [mailto:KRMurray@hollandhart.com]
Sent: Tuesday, November 18, 2014 6:09 PM
To: McKinstry, Robert (Phila)
Cc: Piggott, Amelia; Kerry C. Gee (kcgee@unitedpark.com); Nicole Squires; Hernandez, Kathryn; Walter J. Plumb III (drplumb@comcast.net) (drplumb@comcast.net); Laurie Goldner (lgoldner@sage-env.com); Philip Plumb (psplumb@gmail.com) (psplumb@gmail.com); Kerry C. Gee (kcgee@unitedpark.com)
Subject: RE: Plumb Access Agreement

From: Kevin Murray
Sent: Tuesday, November 18, 2014 5:57 PM
To: 'McKinstry, Robert (Phila)'
Cc: Piggott, Amelia (Piggott.Amelia@epa.gov); Kerry C. Gee (kcgee@unitedpark.com); Nicole Squires; Kathryn Hernandez (Hernandez.Kathryn@epamail.epa.gov); Walter J. Plumb III (drplumb@comcast.net) (drplumb@comcast.net); Laurie Goldner (lgoldner@sage-env.com); Philip Plumb (psplumb@gmail.com) (psplumb@gmail.com); Kerry C. Gee (kcgee@unitedpark.com)
Subject: RE: Plumb Access Agreement

Dear Robert:

Apparently the document did not attach so I am re-transmitting. We have examined the modifications you have made to the proposed access agreement. United Park is unwilling to accept the modifications for the reasons we have discussed previously. United Park is willing to execute the draft that was last circulated. I have provided a copy of that draft for your convenience.

Regards,

Kevin

From: Kevin Murray
Sent: Thursday, October 30, 2014 6:32 PM
To: 'McKinstry, Robert (Phila)'
Cc: Kerry C. Gee (kcgee@unitedpark.com); Nicole Squires
Subject: RE: Plumb Access Agreement

Bobby,

Please find attached a revised draft reflecting changes to the notice provision we previously discussed. We trust that with these last modifications, your client will be ready to execute the attached access agreement.

I also would like to comment on the items in your email below. None of those items are in United Park's access agreements with other landowners in OU2/OU3.

With that said, as to the item requesting more frequent notice, the access agreement has been revised to provide a notice at the beginning of each construction season that Site Activities are to occur. We have also added an acknowledgment that a Landowner representative may be on site during the performance of Site Activities at the Property, with the proviso that the representative does so at their own risk and will not impede or interfere with any Site Activities.

Sampling results will be available through the administrative record for OU2/OU3.

United Park cannot undertake to provide draft remediation proposals to the Landowner or other obligations to the Landowner regarding the remedy related to the Property. United Park's obligations are to EPA and the other parties to the AOC, and EPA selects the remedy to be performed at OU2/OU3. As well, because this process is primarily controlled by EPA, and because of the nature of the OU2/OU3 project (which covers a large area and involves multiple landowners), United Park also cannot agree to provide a mechanism to fast track removal of properties from the site or to fast track the work at any particular property.

Finally, the attached agreement is to provide access to conduct any and all Site Activities, including any sampling and removal/remedial activities directed or required by EPA. One of functions of the attached access agreement, therefore, is to eliminate any need for a new round of agreements with landowners upon completion of sampling activities in OU2/OU3.

Thank you for your attention to this.

Regards,

Kevin

From: McKinstry, Robert (Phila) [<mailto:McKinstry@ballardspahr.com>]
Sent: Tuesday, October 21, 2014 1:19 PM
To: Nicole Squires
Cc: Kerry C. Gee (kcgee@unitedpark.com); Kevin Murray; Laurie Goldner; Walter J. Plumb III (drwjplumb@gmail.com); Peterson, Steven D. (SLC)
Subject: RE: Plumb Access Agreement

Dear Nicole and Kevin,

I just called Nicole in response to Kevin's midnight message and discussed this with the Plumb's consultant, Laurie Goldner. There are a few reasonable requests that we have that we have seen in every access agreement and that are consistent with what we know the UPCM has been willing to do so far.

First, we would like UPCM to provide Laurie Goldner with notice when any round of work or sampling on the Plumb property will begin, so that she can come and observe. The notice can be by email. She will likely not come and observe the entire time, but would like to have the opportunity to observe techniques and sampling locations. Your draft provides for a single notice of the beginning of activities. You may have intended that this apply to each round of activities, and if so this is adequate provided that we clarify that. But if UPCM conducts one round of sampling then comes back to conduct a second round or sampling or later comes back to do work, we would like to have notice of the new activity.

Second, we would like to receive copies of any sampling results relating to the Plumb property. You have provided us with the previous results and usually these are provided, even by EPA.

Although we believe that the provision relating to reasonable cooperation and provision of draft proposals for remediation are reasonable, we can put discussion of those off for now. We hope that the current round of sampling and your intention to provide a mechanism to fast track removal of properties from the site will be sufficient for now. If the property may become the subject of any remedial activities (other than sampling), we can revisit amending the agreement to add those provisions.

Robert B. McKinstry, Jr.
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
215-864-8208
cell 484-467-3207
mckinstry@ballardspahr.com

From: Nicole Squires [<mailto:NCSquires@hollandhart.com>]
Sent: Monday, October 20, 2014 11:04 PM
To: McKinstry, Robert (Phila)
Cc: Kerry C. Gee (kcgee@unitedpark.com); Kevin Murray
Subject: Plumb Access Agreement

Robert,

Kevin is out of the office this evening and asked that I send the attached. United Park City Mines Company has carefully considered your comments and requested revisions in light of United Park's obligations under its Administrative Settlement Agreement and Order on Consent with EPA. Although we cannot make all of your requested revisions, we have tried to accommodate your requests where possible. The access agreement attached hereto constitutes our best efforts.

If you have questions or would like to discuss the attached access agreement, please feel free to call me (801.799.5910) or Kevin (801.799.5919).

Best,
Nicole

Nicole Carlisle Squires

Associate Attorney

Holland & Hart LLP

222 South Main Street, Suite 2200

Salt Lake City, UT 84101

Phone (801) 799-5910

Fax (801) 618-4194

E-mail: ncsquires@hollandhart.com



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